

Note No. 486

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of Malaysia and has the honor to acknowledge receipt of the Ministry's diplomatic note CU 185/14, dated April 23, 2014, proposing that, on a reciprocal basis, spouses of diplomatic agents and members of the administrative and technical staff at a diplomatic mission, and spouses of consular officers at a consular post of our respective countries be authorized to be employed in the other country. The Embassy has the further honor to inform the Ministry that the Government of the United States of America agrees with the proposals set forth in the Ministry's note. Therefore, the Ministry's note and this note in reply shall constitute an agreement between the two governments, which shall enter into force on the date of this note, April 24, 2014.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Malaysia the assurances of its highest consideration.

Embassy of the United States of America

Kuala Lumpur, April 24, 2014



DIPLOMATIC NOTE



CU 185/14

The Ministry of Foreign Affairs of Malaysia presents its compliments to the Embassy of the United States of America and has the honour to propose that the Government of Malaysia and the Government of the United States of America conclude a bilateral work agreement for spouses of diplomatic agents and members of the administrative and technical staff at diplomatic missions and spouses of consular officers at consular posts assigned to official duties in the respective countries.

The Ministry of Foreign Affairs of Malaysia proposes to the Government of the United States of America that, on a reciprocal basis, spouses of diplomatic agents and members of the administrative and technical staff at a diplomatic mission, and spouses of consular officers at a consular post be authorised to be employed in the receiving State.

For purpose of this agreement-

the terms "diplomatic agent," "member of the administrative and technical staff," and "consular officer" shall have the meaning given them in the Vienna Convention on Diplomatic Relations of April 18, 1961, and the Vienna Convention on Consular Relations of April 24, 1963;

the term "spouse" shall mean the partner of a diplomatic agent, a member of the administrative and technical staff, or a consular officer –

- (a) Recognized as the husband or wife of that diplomatic agent, member of the administrative and technical staff, or consular officer;
- (b) Issued with a diplomatic visa; and
- (c) Accredited by the receiving State as a dependent member of the immediate family forming part of the household of that diplomatic agent, member of the administrative and technical staff, or consular officer.

Employment authorisation shall be accorded to a spouse on the basis of his or her accreditation as a spouse of a diplomatic agent or member of the administrative and technical staff of a diplomatic mission, or a spouse of a consular officer at a consular post. The request shall provide evidence that the individual is a spouse of such an official.

Employment authorisation in Malaysia shall be confined and limited to employment in the professional category and critical fields only as stated in the Malaysia Standard Classification of Occupation (MASCO) 2013 or any subsequent revision of it.

To obtain employment authorisation for the spouse of a U.S. official in Malaysia, an official request shall be sent by the United States Embassy to the Ministry of Foreign Affairs. Upon verification that the spouse qualifies for an employment authorization under this Agreement, and processing of the official request, the Ministry of Foreign Affairs shall inform the United States Embassy that the spouse is authorised to be employed.

To obtain employment authorisation for the spouse of a Malaysian official in the United States, an official request shall be sent by the Embassy of Malaysia to the Office of Protocol in the Department of State. For a spouse of an official of Malaysia's Mission to the United Nations seeking employment authorization, an official request shall be sent by the Mission of Malaysia to the United Nations to the United States Mission to the United Nations. Upon verification that the spouse qualifies for employment authorisation under this Agreement, the Government of the United States of America shall inform the Malaysian Embassy or Mission to the United Nations that the spouse is authorised to be employed.

This agreement does not imply the recognition of academic qualification between both countries as it shall be subjected to respective domestic laws and to bilateral conventions in force.

The Government of Malaysia and the Government of the United States of America shall not charge any fee in connection with the issuance of employment authorisation identification.

The Government of Malaysia and the Government of the United States of America confirm that even if spouses enjoy immunity from civil and administrative jurisdiction in the receiving State, in accordance with the Vienna Convention on Diplomatic Relations of April 18, 1961, the Vienna Convention on Consular Relations of April 24, 1963, or any other instrument making the provision of these Conventions applicable, such spouses enjoy neither civil nor administrative immunity in an action relating to any professional or commercial activity, including employment authorised pursuant to this Agreement. Moreover, the sending State shall consider waiving any immunity a spouse enjoys from the criminal jurisdiction of the receiving State in respect of any act or omission arising from employment authorized pursuant to this Agreement.

To the extent consistent with other international agreements, a spouse who engages in employment under this agreement shall be responsible for payment if income and social security taxes on any remuneration received as a result of employment in the receiving State.

The authorisation to engage in employment in the receiving state shall expire from the date when the U.S. or Malaysian official ends his or her tour of duty to the receiving State.

Any dispute or differences arising out of the interpretation, implementation or application of any of the provisions of this agreement shall be settled amicably through mutual consultation or negotiation between the parties through diplomatic channels without reference to any third party or international tribunal.

The Ministry of Foreign Affairs, on behalf of the Government of Malaysia, proposes that, if the foregoing provisions are acceptable to the Government of the United States of America, this note and the Embassy of the United States' written reply concurring therein shall constitute an Agreement between our two governments which shall enter into force on the date of that reply note. This Agreement shall remain in force until ninety days after the date of the written notification from either government to the other of its intention to terminate.

The Ministry of Foreign Affairs of Malaysia avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

**EMBASSY OF THE UNITED STATES OF AMERICA
KUALA LUMPUR**

23 April 2014

